

SPECIAL MEETING OF BERKELEY COUNTY COUNCIL

Chairman: Mr. Daniel W. Davis, Supervisor

Vice Chairman: (to be voted upon during this meeting)

A **Special Meeting of Berkeley County Council** was held on **Tuesday January 4, 2011** at 6:08 p.m., in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Supervisor, Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Tim Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Council Member District No. 8; Mrs. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

Chairman D. Davis: "At this time I'd like to call the Special Meeting of County Council to order. This is our Organizational Meeting. Our rules require that we have this in early January so that we set up our procedures and policies for the remainder of the year. At this time I'd like to begin with the invocation by Caldwell Pinckney and I'd like to ask Dennis Fish to lead us in the Pledge of Allegiance. Please Stand."

Chairman D. Davis called the meeting to order. The invocation was provided by Council Member Pinckney. Council Member Fish led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman D. Davis: "At this point in our meeting we have an opportunity for public discussion, public input. I expect that we have a number of people who have signed up and I want to restate the rules so that we understand we have allotted our rules call for thirty minutes for public input and three minutes per speaker. It looks like we have about eight or nine so I don't think we'll run into a problem but I am going to have to keep close time on each speaker to make sure that if we have more than ten speakers that we have enough time for everybody. Or if we have at least ten speakers, we'll have enough time for everybody to speak. But before we start that I just wanted to say a couple of words. First of all, you know I think it's great that we have this level of interest in our procedures and our rules for next year. Obviously this has generated a lot of interest in the community. That's never a bad thing. But I want to go back a little bit on why I asked for a workshop on Council Rules and a review of what we're doing. I don't think, I think some have either weren't here or have forgotten what happened but last year in April, I think it was, the Berkeley County Republican Party Executive Committee submitted a

petition to County Council asking for more transparency on County Council. You know, the assumption is that the Executive Committee thought that we were not doing things properly and that we needed to change our procedures to make it more transparent. A committee was appointed by council. Councilman Davis was to chair that committee. I think Councilman Fish was on the committee as well as Mr. Schurlknight. But as yet, that committee hasn't met. I was not on the committee so I had no dealings with that. I really felt a responsibility to respond to that petition and so I asked a number of our staff people to sit on a committee to review our procedures and to see if there might be some ways that we could improve what we do and to make what we do more transparent. At the same time we began to put a lot of financial information on our website trying to respond to that request for that transparency. That was the effort we made. You know, it has...a lot of folks believe that it was my proposal that we eliminate the committees and go to the workshops. I will admit that I do favor that, I still think that is a more transparent process. The package included having council around a table, a roundtable, in front of the audience discussing matters rather than sitting up here from this podium, or whatever. Some people call it a throne. But it would, I felt like that it would make for more free discussion of issues and then consequently be more transparent. Whatever comes out of this, that's fine, this is a council procedure and I'm not going to advocate very strongly either way but I just want to remind you that this whole process was a result of many of you who are members and sit on the Executive Committee a request that we review it. I don't think there's ever any harm in reviewing what we do and just having discussion. I just wanted to go back in history a little bit to remind you of why we are here today. So at this time I'm gonna open the floor again with if you come to the podium and you wish to speak, we ask that you state your name, your address for the record and that you limit your comments to three minutes. We'll start with Nancy Corbin."

PUBLIC DISCUSSION

Ms. Nancy Corbin: "My name is Nancy Corbin. I live at 921 Apple Core Lane. I attended the workshop in December where you discussed the possibility of changing from the committee system to the workshop system. And to be honest I really couldn't understand why we would want to change. It really made no sense to me. Now I understand though that even though that was lauded at the time by the group that presented it and Mr. Davis and a few others. That's not going to be the recommendation tonight. Tonight the recommendation is going to be small committees which makes even less sense to me because that was the issue in 1997 when you went to a large committee because you couldn't get quorums in small committees because they met all different nights during the week and if we had all the small committee meetings on the same night you'd all be here anyway so you might as well all be on the big committee. There's just not a lot of sense in that particular change to me. It blocks out some public comment and one of the reasons given was is it would lessen animosity. I don't know the differences in ideology on this council will be lessened if you're sitting at the podium or you're sitting at a round table. The ideology is different. It's not going to change and that's a fact. So I don't understand the need to change from the committee system. I can see that a five member committee could have one sided outcome; you could have all of your substantive committees stacked with one ideology. The minority, whichever it might be, would have no input. That can go both ways. I mean that could be the way it is currently or it could be with a conservative ideology if things

change in the next election. So I see no sense in a five person committee. I would like to see this council stay just as it is. Thank you.”

Chairman D. Davis: “Thank you. Next we have Linda Riney.”

Ms. Linda Riney: “Good evening. My name is Linda Riney. I live at 2052 Hwy 311 in Cross. Mr. Davis you referred to the petition that was sent by the Berkeley County Republican Party Executive Committee. I was one of the people who helped draft that petition and you, I think, have misunderstood the point of it. We weren’t complaining about not being able to understand what was going on with the process that council uses right now. What the transparency that we were referring to was the present administration doing so many things behind our back. That’s what we were referring to not the process of council. It was actually the way that different things like the Cross water line and the Queenie water line and all that nobody found out about until after they were in the ground. That’s what we were referring to. So I’m afraid you’ve misunderstood the point of our petition. But the main point I want to make, I researched the minutes of the re-org meeting in 1997 when the system that you’re proposing was done away with and they went to a system of a council of the whole. There were many, many, reasons given. Mr. Farley’s brother noted that there were times when he would have to come to Moncks Corner twenty times a week to come to the different smaller committee meetings and I truly don’t understand why council would want to go back to an obviously failed policy when we have a policy right now that works very well. We do understand the process. We’re not confused at all. Thank you, sir.”

Chairman D. Davis: “Thank you. Jeff Reuer.”

Council Member Farley: “That was twenty times a month I think is what he said. It was twenty times a month. You said a week.”

Ms. Linda Riney: (inaudible)

Council Member Farley: “Yeah. Ok. Thank you.”

Mr. Jeff Reuer: “Jeff Reuer 100 Mepkin Dr. Summerville, SC. I’d like to remind council that in November 2008 there was a referendum on the ballot for Berkeley County which type of government that we wanted. Sixty-seven percent of the citizens voted for the type of government that we have now and I don’t understand that with that knowledge why you would want to try to change the way that the government operates. If you Councilmen continue on this course we’re going to remember those that are supporting this change and wouldn’t be surprised if this ends up with a legal battle of some sort. Yesterday in The Post & Courier there was a report of a Councilman saying that these changes would help the citizens understand the process. I know Linda just referenced that. We do understand the process. That’s why we’re here tonight and Mr. Davis you said that we wanted more transparency. If you really mean that, there’s a couple of things you can do for that transparency. We’ve been asking for over a year that you have these meetings videotaped and posted on the website so people that are housebound or just can’t make it can see what’s going on here in council. So far nothing’s happened on that. If money’s a problem you can take some of the money that is being withheld from the school board or some of

the twenty-nine percent local option sales tax that your taking in the budget and spend it on something that we'd at least appreciate it being used for. Another thing, you allow the citizens to speak but if it's not an agenda item you make us wait until the meetings adjourned, nothing on the record, everybody leaves and then you let us speak. There's other public... school board, Summerville Town Hall, whatever, they allow a block of time up front for citizens to speak their mind. Concerned citizens, on anything whether it's on the agenda or not and I don't see why we can't do that if you want the transparency. And finally, I would just like to ask if council ever intends to approve the council meeting minutes from February 22, 2010? I don't understand why they haven't been approved and I think it's shameful, but Mr. Davis I think you know why they haven't been approved. Thank you."

Chairman D. Davis: "Thank you. Mr. Hardesty."

Mr. Terry Hardesty: "My name is Terry Hardesty. I live at 325 W. Main Street in Moncks Corner. Good evening Supervisor Davis, Council Members. I just finished serving a term on the school board of nine people and during my tenure we actually operated without committees. We are a group of nine people. We talked frequently with each other about issues. We conversed very openly; we conversed very openly in meetings. During the last couple of years we actually went to committees and I found that as a board member I was actually misinformed and under informed about issues because it went through committee and I missed a lot of information and we actually wound up rehashing most of that stuff in regular board meeting anyway. A committee, when you have a large group or a large body, committees are very functional and can save a lot of time. But there are only nine of you and there's no reason why you can't converse and one or two people talking about an issue is not a meeting and a lot of work gets done like that. That's the real world. It happens every day; it's happening now. I don't see any reason to change what you are doing right now, none whatsoever. I think if you do go to small committees you're actually going to wind up having less information at your disposal to make decisions and I don't think that's a good idea. Thank you."

Chairman D. Davis: "Thank you. Truman Metts."

Mr. Truman Metts: "Good evening Council. I'm Truman Metts. I live at 512 Division Street, Moncks Corner. This won't take but a few seconds, not minutes. I've been attending these meetings for almost four years and I'm reminded of one of the councilmen, that's Mr. Pinckney, who will often say about some of the processes, it ain't broke, don't fix it. So, in my business I've seen hundreds of people throughout the county. I saw some this afternoon, unfortunately at a funeral, and I'm here to request my District Representative, Mr. Jack Schurlknight to join Mr. Pinckney and vote No for any rule changes to county council. Thank you."

Chairman D. Davis: "Stefan Castellucci. I hope I pronounced that right."

Mr. Stefan Castellucci: "My name is Stefan Castellucci. I live at 125 Southwell Circle in Goose Creek. My family owns a small business and as the person before me said; if it ain't broke, don't fix it. And that's the one thing that my dad has always taught me. So, if it's not broke, don't fix it."

Chairman D. Davis: "Thank you. Bobby Hamlin?"

Voice from audience: "Bobby Harrelson?"

Chairman D. Davis: "Bobby Harrelson, Ok I'm sorry. I couldn't read it...."

Mr. Bobby Harrelson: "No sir. I'm ok."

EXECUTIVE SESSION -None

Chairman D. Davis: "All right. Is there anyone else that would like to address council? We have a few more minutes....Ok we'll move on then to our regular agenda. We won't need, and I know many of you will be glad, we don't need an Executive Session tonight so that will help shorten the meeting somewhat."

DISCUSSION of 2011 Regular Council Meeting Dates

Chairman D. Davis: "The first items for discussion are the regular council meeting dates and I think you have a list of those or the schedule of those in your packet. Are there any changes, any problems with any of those regular meeting dates anyone has? Otherwise I'll entertain a motion that they be approved."

Council Member Call: "So move."

Chairman D. Davis: "We have a motion."

Council Member Pinckney: "Second."

Chairman D. Davis: "We have a motion and a second. Any discussion? Hearing none. All those in favor say Aye (Ayes). All those opposed Nay? (No Response) Ok the meeting dates are established."

It was **moved** by Council Member Call and **seconded** by Council Member Pinckney to hold the Regular Council meetings on the 4th Monday of each month except for the month of December in which it will be held the second Monday due to the Christmas holidays. The motion **passed** by unanimous voice vote.

County Attorney Ms. Ewing: "It may be helpful to go ahead and announce those in case there are people are planning their yearly calendar."

Chairman D. Davis: "If I can find it. Madam Clerk, will you tell us what the meeting dates are? Yes, here we go. The regular meeting dates will be on the 4th Monday. This is the full County Council Meeting, the 4th Monday of the months of January, February, March, April, May, June, July, August, September, October, and November and the second Monday in the month of December. And the change for that December, as always, is because of the Christmas holidays. Those will be published. If there for any reason has to be a change, there is a procedure that we

can change that later on. The next item is the Review of the Organization and Rules of Berkeley County Council.”

REVIEW of the Organization and Rules of Berkeley County Council

Council Member Call: “Mr. Chairman?”

Chairman D. Davis: “Mr. Call?”

Council Member Call: “I would like to move that we adopt the rules for our council operations and I’d like to make this in three separate motions if you will allow me? First, I would move that we adopt Model South Carolina Association of County Rules.”

Chairman D. Davis: “Ok that’s a motion. Is there a second?”

Council Member Pinckney: “Second.”

Chairman D. Davis: “Any discussion?”

Council Member Callanan: “Yeah, Mr. Chairman.”

Chairman D. Davis: “Mr. Callanan.”

Council Member Callanan: “There was some information that was given out to us with regards to the Councils in the State that have adopted these and some of it was incorrect. One of them we called up. I think it was Jasper County and they said they didn’t use them. If only, I just simply don’t understand why we’re changing again a system of rules in Robert’s Rules of Order that have worked fine and that are acceptable for forty of the forty six counties. Yet for some reason we’re deciding that we want to change to abridged rules that really have not been tried and tested. It just seems to me as kind of a reckless move. All the other counties in the region, certainly Charleston, Dorchester, Horry, Georgetown, all use Robert’s Rule of Order as does the municipalities. For us, changing, would be to me, as reckless.”

Chairman D. Davis: “Any other comments?”

Council Member S. Davis: “I would just like to be heard. I want to disagree with you. You know we have been moving forward. Sometimes I’ve got to remind myself when I was a young lad we didn’t have the internet and I’m reminded of Star Trek when Scottie use to beam old Captain Kirk up and every time someone flips their phones now it kind of reminds me to some extent that we haven’t reached that yet but we are moving forward. And I say that to say that about these rules. There are apparently about seven counties and we have this Association of Counties and they have been urging us to adopt these new Model Rules. Sometimes you got to move forward. Now, Robert’s Rules have served us well but sometimes it costs us tremendous time and energy trying to decipher and move forward. These Model Rules will create a more simple approach for us to move forward and to Tim Callanan, we shouldn’t be so much afraid of other counties. Berkeley County has always been a progressive county in the forefront and I

think this is an opportunity for us again to show that we're being a progressive council and adopt these Model Rules and I support the changes."

Council Member Callanan: "Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "I'll disagree in that Berkeley County, and you can certainly look at the last election results, is not a progressive county."

Chairman D. Davis: "Alright folks, I'll let that go with the public input but now we're going to have outbursts like that anymore. If you can't do that we're going to have to adjourn somewhere else or everybody is going to have to stand out in the hallway. Now, please maintain decorum."

Council Member Callanan: "The second issue is and I don't think it's necessary to call me afraid. You know I find those type of comments somewhat personal."

Council Member S. Davis: "I apologize. I apologize."

Council Member Callanan: "Mr. Chairman, a point of order."

Chairman D. Davis: "Go ahead Mr. Callanan. He was apologizing."

Council Member Callanan: "The point I was making is these rules are not broken. You don't fix things that aren't broken. There's an old saying with government if you think our problems are bad you just wait until you see our solutions. This particular, we are essentially rolling the dice and hoping that the untried method of conducting rules in the meetings are going to be effective when we haven't had any problems with the Robert's Rules of Order."

Council Member S. Davis: "I tend to disagree with that. There was some discussion about certain members about filing a lawsuit in reference to some points of... with these Robert's Rules. I tend to disagree with you on that Councilman Callanan."

Council Member Fish: "Mr. Chairman."

Chairman D. Davis: "Mr. Fish."

Council Member Fish: "You know, I think that in reference to Council I think that Berkeley County is only one of four counties in the state that are a Supervisory form of government. When you talk to the people who put this together they will admit that this primarily was designed for the Administrative form of government, which we are not. You look at some of the rules. Look at the Model Rules. Five on the agenda is in direct conflict of how we're set up now on our committees. I would submit to this council that this is a benefitting form of government procedure modified and it does not fit us and I agree with the other people that if it's not broke, don't fix it. We've only had one occasion on the eight years I've been on council

where there has been an issue about Robert's Rules and it was on Council following its own rules last year around the budget time. That's the only time it's happened in eight years. I don't see a need to change something because of one incident. I would submit it doesn't fit. We couldn't use it."

Chairman D. Davis: "Any other comments or questions?"

Council Member Call: "Mr. Chairman."

Chairman D. Davis: "Mr. Call."

Council Member Call: "Just one comment. I'm holding this book in my hand that the Association of Counties published. If anybody had taken the time to read through the first few pages they will see that Robert's Rule of Order are heavily noted as being their guiding principles. In writing these rules, Robert's Rule of Order were written for, I don't know, probably for Congress or Parliament somewhere used. And these rules they are more suited to County Council's way of conducting business. And just looking through this thing I see page after page where Robert's Rules of Order Newly Revised on just about every page is referred to in this book; numerous times on some pages. Thank you. I would add, to say that this is not Robert's Rules of Order is a misnomer. It is not a different book from Robert's Rules of Order. It is based on Robert's Rules of Order."

Council Member Callanan: "Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "Then why don't we just keep Robert's Rules of Order?"

Chairman D. Davis: "Any other comments? Alright, we have a motion and second to adopt the Model Rules as presented by the Association of Counties. All those in favor say Aye. (Ayes). All those opposed No (No). By show of hands then, all those in favor please signify by raising their right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). All those opposed like sign (record shows Council Members Callanan, Fish, Farley, and C. Davis raised their hand). And I vote to approve the Model Rules."

It was **moved** by Council Member Call and **seconded** by Council Member Pinckney that Berkeley County Council adopt the Model Rules as presented by the Association of Counties. The motion **passed** by majority vote of Council. Council Members Call, Schurlknight, Pinckney, and S. Davis voted, by a show of hands, in favor of this nomination.

Council Member Call: "Mr. Chairman."

Chairman D. Davis: "Mr. Call."

Council Member Call: "I believe I still have the floor?"

Chairman D. Davis: "Yes sir. Go ahead."

Council Member Call: "Second item is I would like to move that we...."

Chairman D. Davis: "Mr. Call could you speak into the microphone a little closer. They can't hear."

Council Member Call: "I'm sorry....that we adopt the rules that we currently have as a supplement to the Model Rules and with some revisions and I'll take them one by one if you would like?"

Chairman D. Davis: "I think that would be preferable."

Council Member Call: "Section one, Officers. Deletion of the requirement for a super majority two-thirds vote for any change in the Clerk of Council position status employment etcetera; simple majority vote for any matter not requiring super majority by state or federal law. I move that we adopt..."

Chairman D. Davis: "Are you putting that in the form of a motion?"

Council Member Call: "I put that in the form of a motion."

Chairman D. Davis: "We have a motion. Is there a second?"

Council Member Pinckney: "Second."

Chairman D. Davis: "Any discussion?"

Council Member Callanan: "Yes. Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "Can you explain what exactly they're trying to accomplish by changing that rule?"

Chairman D. Davis: "Could I explain it? Mr. Call made the motion."

Council Member Callanan: "If Mr. Call....I'm requesting to you that we ask that this be explained because I can only address things to the Chairman."

Chairman D. Davis: "At the last reorganization the rule was changed from a simple majority vote on the Clerk status to the two-thirds. I guess it's putting it back to where it was before last change."

Council Member Callanan: "Ok so let me see if I can get this straight. Every other position that is a non-elected position has to have a super majority by Council to terminate that

employee with a special exception given to the County Clerk where that only needs a majority to eliminate that position. Am I correct on that?"

Chairman D. Davis: "Well no you're not. The Clerk of Council works directly for County Council. All the other employees work for me. So the provision is that it takes a two-thirds vote by Council to change the status in an employee that works for me. But the Clerk of Council works directly for Council. So there's a difference in the position all together. I don't think you can... I don't think you can equate the two."

Council Member Callanan: "How many votes is it going to take to terminate the employment on Council for positions of employees that are hired by the Supervisor? A super majority?"

Chairman D. Davis: "Super majority yes."

Council Member Callanan: "How many votes is it going to take to terminate the position of the Clerk of County Council under this new rule?"

Chairman D. Davis: "A simple majority."

Council Member Callanan: "That is what I just asked."

Council Member Fish: "Five. It takes five votes."

Council Member Callanan: "That we are making a special exception here for one position for the sole purpose of obviously the only reason you would change this is you have an intention to eliminate that particular employee. This is embarrassing. This particular employee...."

Council Member Call: "Point of order Mr. Chairman."

Council Member Callanan: "Point of order? I have the floor."

Council Member Call: "And I just made a motion."

Council Member Callanan: "Point of order."

Chairman D. Davis: "Mr. Callanan, your point please."

Council Member Callanan: "My point is that this particular employee is so respected within this state that she currently held the position as Chairman of the Committee on the Association of Counties of County Clerks. I don't understand why we have a stellar employee here who's given us an enormous amount of service; why we would possibly want to create a system where she gets...they get a special circumstance where you can fire her with a simple majority. I think that's wrong and I think you people should be ashamed of yourself."

Council Member Call: "Mr. Chairman."

Chairman D. Davis: "Mr. Call."

Council Member Call: "Let me explain. There is a provision of South Carolina State Law Section 4-9-430 that makes that specific provision that the removal of an employee appointed by the County Supervisor is the only one that requires a two-thirds majority. That's State Law. I'm not singling anybody out. Nobody has brought up any names. We just trying to get down to where we can use....or let the majority rule which seemed like the American way or the Democratic way to me. Thank you Mr. Chairman."

Council Member S. Davis: "Mr. Chairman."

Council Member Fish: "Mr. Chairman."

Chairman D. Davis: "I think Mr. Davis beat you first Mr. Fish."

Council Member S. Davis: "I think I beat you Mr. Fish. I voted two years ago for this two-thirds change. Looking back in the relationship, it was an error and I tell you why it was an error. Not because we have a great Clerk. It was an error because everything on County Council has a simple majority. A fifty-two million dollar budget requires a simple majority. I voted for the two-thirds. I did because I didn't want ugly politics in the mist of smooth operation of county government. But you know, I've had an opportunity really to be on County Council now; the senior man on County Council to be honest with you. I've seen some progression even if we are not a progressive county. I've seen some progressive things that occurred that are great for Berkeley County. I see no need for every other matter of great concern on County Council to have a simple majority and for this instance not to be a simple majority. And this is not because we don't have a great Clerk. It is because; it is concurrent with everything else we do here on County Council so I support a simple majority."

Chairman D. Davis: "Any other comments."

Council Member Call: "Mr. Chairman."

Chairman D. Davis: "Mr. Call."

Council Member Call: "If you'll take these amendments one by one. I have about three more I think."

Chairman D. Davis: "Ok. Well we're going to vote on this one now."

Council Member Call: "Well I'm asking for the floor after you vote."

Chairman D. Davis: "Ok."

Council Member Fish: "Mr. Chairman."

Chairman D. Davis: "Mr. Fish."

Council Member Fish: "I agree with Mr. Callanan. We put that in there, we talked all along about how we want to protect the minority. The way this Council has been the last few years is very simple exactly what it is Mr. Davis is because you got a four-to-four vote. You control who sits on Council and you really have no business having anything to do with how Council directs its business. I object strenuously that you would allow this to happen. That you got a four-to-four vote, then you as the Supervisor who should not direct Council's rules have a direct say in how Council holds its business. I think we're doing that as I agree with Mr. Callanan it's an embarrassment, it's an abomination. It's just disgusting."

Chairman D. Davis: "Mr. Fish, let me remind you that I am a member of County Council."

Council Member Fish: "You vote only in a tie and you've been doing a lot of that lately."

Chairman D. Davis: "Right. But I am a member of County Council."

County Attorney Ms. Ewing: "Mr. Chairman before you call for the vote can I ask for a clarification just so that we don't have to possibly re-do things and then staff will have to draft whatever comes out of tonight so I want to make sure that we're clear and we don't misrepresent anything. I understood Mr. Call's motion to be that any vote that is not required by State or Federal Law to be a simple majority.... Uh, to be a super majority to a simple majority. So I wanted to make sure. We've only been talking about one section of the rules but I wanted to make sure that I heard the motion correctly and that it would apply to all the rules."

Council Member Call: "That's correct Ms. Ewing."

Council Member Callanan: "Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "What other rules would this apply to?"

Chairman D. Davis: "If you're asking me, I'm not aware of any."

Council Member Callanan: "Well if Mr. Call is going to recommend this, I suggest he list out all rules that his request for a change, affects."

Council Member S. Davis: "Well, I totally disagree, because it wasn't listed initially when we put the two-thirds in place and we're just putting back in place what was in place two years ago."

Council Member Callanan: "No we are not."

Council Member S. Davis: "Yes we are."

Council Member Callanan: "The Attorney just made it perfectly clear that this goes well beyond what we changed two years ago."

Council Member S. Davis: "She did not say..."

Council Member Callanan: "She certainly did."

Council Member S. Davis: "That's why lawyers always..."

Chairman D. Davis: "Point of order. Point of order."

Council Member Callanan: "I believe I have the floor."

Chairman D. Davis: "Mr. Call, would please restate your motion that you made."

Council Member Call: "My motion was a simple majority vote for any matter not requiring super majority by State or Federal Law. Now let me go further. We've had this book now for some time and apparently my colleagues have not bothered to read it because these questions that was just asked. I presume they think I don't have the answer, is answered right here in this book.....Mr. Callanan, Mr. Callanan...."

Council Member Callanan: "Um excuse me I wasn't told to memorize forty pages."

Chairman D. Davis: "Mr. Callanan."

Council Member Call: "And we've had plenty of time to review this information. This has been in our hands for"

Council Member Callanan: "Answer the question."

Council Member Call: "....a long, long time."

Chairman D. Davis: "Mr. Callanan, let Mr. Call speak."

Council Member Call: "....and I'm not gonna go through this list of these six things. I think I'm let those people that haven't read it go read it for their self. I don't have to answer that question."

Council Member Callanan: "Perhaps the Attorney can answer the question?"

Chairman D. Davis: "The motion is made and it was seconded and we've had opportunity for discussion...."

Council Member Callanan: "You have to have...."

Chairman D. Davis: "Asking questions is not discussion."

Council Member Callanan: "I have, I have..."

Chairman D. Davis: "I'm going to call for the question..."

Council Member Callanan: "You have to get a majority vote to close discussion."

Chairman D. Davis: "Pardon me?"

Council Member Callanan: "If you want to close debate you need a majority vote to close debate."

Chairman D. Davis: "We can have discussion. What I'm saying is, asking the questions, querying the other members of Council, is not having discussion."

Council Member Callanan: "I would like to query the Attorney to tell us what this rule affects? All I'm asking is we're voting on something. I want to know what it entails. This was not given to us in advance. So this was a surprise to all....well I'm sure all but four members, or five members of this board. So what I'm asking is what does this change in the rules, affect?"

Chairman D. Davis: "Madam Attorney will you..."

County Attorney Ms. Ewing: "I'll answer it as best as I can because I did not research this before tonight's meeting. But I just flipped through the current County Council rules and then the proposed Model Rules and on page five of the handout that was given to you all at the workshop, there's a section entitled, 'Passage by Majority Vote' and what the Association of Counties is recommending is that except as otherwise provided for in these Rules, or by pertinent state or federal statute, any ordinance, resolution or motion passes if it receives a majority of the votes cast. State and federal statutes and, in some cases, these Rules may require passage by more than a simple majority. The following actions are included in those requiring a super-majority: Two-thirds Majority: Adoption of an emergency ordinance (§ 4-9-130); Removal of an employee appointed by a county supervisor (§ 4-9-430); Sale or transfer of assets of the county library for a non library purpose (§ 4-9-39); Defeat of a Motion to Follow the Agenda (Rule 14, 5); and with those rules, they're referring to the Model Rules. Passage of Motion to Suspend the Rules (Rule 16, 3 and 6); Passage of a Motion to Call for the Question [Vote Immediately] (Rule 15, 2); Positive Majority: Impose or increase a business license tax (§ 6-1-315); Override the millage rate increase limitation on property taxes (§ 6-1-320(C)); Impose a service or user fee (§ 6-1-330); Impose a local accommodations tax (§ 6-1-520); Impose a local hospitality tax (§ 6-1-720); and Impose a developmental impact fee. So basically, what the Model Rules are recommending is that unless the Model Rules call for a two-thirds majority or the State Law requires a two-thirds or positive majority, that every vote be a simple majority."

Council Member Call: "Mr. Chairman..."

County Attorney Ms. Ewing: "And I can give you a copy of that."

Council Member Call: "I'm sorry. Mr. Chairman."

Chairman D. Davis: "Mr. Call."

Council Member Call: "And I am proposing that the only one now that requires a two-thirds majority is the employees appointed by the County Supervisor or any rules requiring a two-thirds majority by Federal or State Law."

Council Member Callanan: "Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "So my understanding is that everything that you have on that list, unless it's required by Federal or State Law, will now just be subject to a simple majority."

County Attorney Ms. Ewing: "The list that I just read you is what would require a two-thirds vote or..."

Council Member Callanan: "In the Model Rules."

County Attorney Ms. Ewing: "Under the Model Rules which we voted to pass."

Council Member Callanan: "However, Mr. Call is saying he wants a change to that whereas unless it is not restricted by Model Rules but unless it's restricted by State Law or Federal Law, it just becomes a simple majority."

County Attorney Ms. Ewing: "That would be correct. So the items on that list..."

Council Member Callanan: "All are simple majority and he said with the exception of firing an employee, so raising taxes becomes a simple majority..."

County Attorney Ms. Ewing: "No sir. He said unless...his motion was unless mandated by State or Federal Law, so the majority of those are pursuant to State Law. I gave you my list so I can't refer to it, but there's three or four that are Model Rules that call for a two-thirds or a positive majority. All the ones that site section 6-1-blah, blah, blah, is a State Rule."

Council Member Callanan: "Why would they require a super majority vote on anything?"

Chairman D. Davis: "Mr. Callanan that..."

Council Member Callanan: "As an Attorney, as your opinion?"

County Attorney Ms. Ewing: "Generally, it's because it's of a matter of such importance that they want to"

Council Member Callanan: "Protect the minority."

County Attorney Ms. Ewing: "I don't know about that because we do live in a democracy where majority rules....."

Chairman D. Davis: "Mr. Callanan..."

County Attorney Ms. Ewing: "But it's generally so that you can't railroad something through by having a simple quorum with a simple majority."

Council Member Callanan: "Thank you for making my point and just so everybody knows here the reason that their doing this is because for the last thirty years since the rules of this Council have been established under Home Rule, there have been protection for minority voices on Council. Those protections, one of them, was the super majority rule. Others were the committee structure and so if anyone has any doubt as to why they're doing this, I think you can just simply use the quotes of the Council Members themselves. And those quotes are 'It's time to tell the one or two who scream loud enough to be heard, that the vast majority doesn't care what they want. It's time for the majority...it's time that the majority rules.' That was one quote from a Council Member. Second quote from a Council Member, 'This change is a tremendous improvement over what we had. The will of the majority will not be stifled by the will of the minority.' So if anyone has any doubt what the motivation here is, they may use pretty words like transparency, but it's because they don't want to hear dissenting voices. They have the majority. They want the majority to rule. That is not... that is democracy, but that's not United States Democracy. United States is a Republic that protects the voice of the minority."

Chairman D. Davis: "Are there any other comments? Any other comments?"

Council Member Callanan: "I just want to make one other point too, which is you had made the incorrect association of a...not a petition, but essentially a proclamation from the Berkeley County Republican Party. My guess is the only reason you can come up with that interpretation that you had is that you didn't read it. It basically restricted our transparency requests to three items and three items only. Filming and broadcasting County Council meetings, which we've taken up privately now, providing salaries for all employees who make over seventy-five thousand dollars a year online and to make the check registry searchable online and to include all expenditures. The reason the all expenditures were there, is so that items like the Accommodations Tax expenditures would be included in that. It had nothing to..."

Council Member Call: "Mr. Chairperson, does not pertain to my motion."

Chairman D. Davis: "And I'm going to ask Mr. Callanan if we can please limit our comments to the item that the motion is on. That item is a separate issue."

Council Member Callanan: "Ok."

Chairman D. Davis: "Would you please wrap up your comments and let's call for the vote."

Council Member Callanan: "Alright, I've made my point. Obviously I'm one vote short here and it's going to be a one vote short for a long time apparently. But go ahead."

Council Member Fish: "Yep."

Chairman D. Davis: "Are there any other comments?"

Council Member Schurlknight: "Mr. Chairman."

Chairman D. Davis: "Mr. Schurlknight."

Council Member Schurlknight: "I'm just sitting here listening to this and it's the same stuff that I read, I hear. The picture that is trying to be painted of this Council. We're looking back, going back to where we were two years ago with the simple majority as it pertains to the Clerk, to get us in line like even with the budget it takes a simple majority to get that more in line with what we're doing here. Y'all try to make it personal and start talking about firing. Firing is nowhere in my mind. Our Clerk, I think she's doing a great job. I think our Clerk was even part of these Model Rules that the County come up with. She had input to those rules. And think that brings a lot of credence to those rules for Ms. Austin to have the opinions to put in that. I know she's thought a lot of in the State. She's held in high regards but for some Council Members to sit here and try to paint a picture of some of us other Council Members and our motives, I take exception to that. I'm here. I'm trying to move Berkeley County forward. Now, you would think.... (looking at Councilman Callanan) you've been on Council what four years?"

Council Member Callanan: "Mr. Chairman, he should not be directing..."

Council Member Schurlknight: "Excuse me. What gets me Mr. Chairman. is that I've been on Council four years, four and a half years and on those four and a half years it would seem like that the law of averages and some of our friends out here in the audience, some of our fellow Council Members would agree, with what we're trying to do. It just seems to me that every time we turn around and you didn't get my quote that I had in the paper yesterday, and I feel bad about that, but as I said, it seems like there's people that trying to poison everything we do in Berkeley County in this administration. I would love to see this County come together and work together to move this thing forward. Now, I've lived in this County for fifty-one years. My daughter graduated from Berkeley High School. My wife teaches at Berkeley High School..."

Council Member Callanan: "Mr. Chairman, I was cut off because my comments were not germane to the issue..."

Council Member Schurlknight: "This is too..."

Chairman D. Davis: "And I allowed you to speech...."

Council Member Callanan: "The history of the Schurlknight family has anything to do with this issue?"

Chairman D. Davis: "Alright folks, first of all, Mr. Callanan, I let you go on and you went on a lot longer than he did and this is the first time he has addressed the issue. You've had three opportunities..."

Council Member Callanan: "You cut me off."

Chairman D. Davis: "You are not... I am not going to limit him. He is making a speech just like you did and I'll allow him the same amount of time that you did."

Council Member Schurlknight: "Well the first thing..."

Chairman D. Davis: "And folks. Excuse me a second, Jack."

Council Member Schurlknight: "Go right ahead....(inaudible)."

Chairman D. Davis: "Now listen. I'm serious. I appreciate that this is...that some of you are enthused about this but I would appreciate once again if you would not applaud. Just listen to the comments you can applaud at the end of the meeting all you want to."

Council Member Schurlknight: "Mr. Chairman I'm not making a speech I'm stating a fact. I'm just stating and trying to let people know where mindset is and where I'm coming from. And I going to do everything that I can. And I'm going to listen to my constituents and I'm going to make a decision I think is in the best interest of it in a whole. I'm going to do everything I can to help Berkeley County move forward. Bring jobs to Berkeley County because I want my daughter...and as I said on the debate for the Nursery out here. I want to bring jobs for y'all's children y'all's grandchildren to Berkeley County. I want them to come back to Berkeley County. I think we need to be aggressive if we are going to compete in that arena, I steadfast to that. And for some people to come in here and try to paint a different picture of this group here and I carry the name of a rhino, a democrat, I got thick skin. Believe me, I got thick skin. Now, if y'all....I'll throw ya a bone. Y'all driving my wife crazy, but I have thick skin and I can take it. But I can promise you as long as I'm elected and as long as I'm sitting on Berkeley County Council I'm going to do what I think is right for Berkeley County Council. I don't have any ulterior motives. The only thing...motive I have is we move forward. Thank you."

Chairman D. Davis: "Thank you Mr. Schurlknight, any other comments?"

Council Member Call: "Mr. Chairman."

Chairman D. Davis: "Mr. Call."

Council Member Call: "I think if I can make my motion clearer. There's a State Law Section 4-9-130 which Ms. Ewing just read to us. Adoption of an emergency ordinance requires a two-thirds majority; removal of an employee appointed by a County Supervisor, State Law Section 4-9-430 that's a State Law; sale or transfer of the County Library assets for a non-library purpose, State Law 4-9-39. Now those are State Laws that require a two-thirds majority. Now

there are three others; Defeat of a Motion to Follow the Agenda. That is a Robert's Rules of Order which we are certainly entitled to amend. Passage of a Motion to Suspend the Rules (Rule 16, 3); Robert's Rules of Order again, Passage of a Motion to Call to Question (Rule 15, 2) Robert's Rules of Order again. Now we've had this book. We got it on my birthday down there when we had that workshop, December 6. I had a draft copy that I had called Columbia and got the Association of Counties to send to me maybe two months before that. I mean this has been out there for...this was in everybody's package and I don't know. It seems like for the two years I've been here that some of my colleagues have had trouble either finding something in their package or claim it was missing. You know, I don't know. I really don't think we need to make an excuse like that or accept an excuse like that."

Chairman D. Davis: "Ok well we do have a motion and a second. We've had discussion. All those in favor of the motion to change the voting requirements on the Clerk of Council... Madam Clerk will you please restate Mr. Call's motion."

Clerk of Council Ms. Austin: (in audible)

County Attorney Ms. Ewing: "I can try Ms. Barbara."

Clerk of Council Ms. Austin: (in audible)

Unknown female standing in audience: (inaudible)

Chairman D. Davis: "No mam... please... mam, you're out of order. Mam, mam, you are out of order. Please...please do not say anything else. Please do not say anything else."

County Attorney Ms. Ewing: "I believe the motion..."

Chairman D. Davis: "Madam Attorney would you please restate the motion."

County Attorney Ms. Ewing: "I believe the motion is to adopt a rule that a simple majority is the required vote for any item that is not required by State or Federal Law."

Chairman D. Davis: "Ok, that's sounds correct to me. It is seconded. All those in favor of the motion please signify by saying Aye (Ayes). All those opposed Nay (Nays).

Chairman D. Davis: "I vote in the affirmative."

Council Member Fish: (side comment)

It was **moved** by Council Member Call and **seconded** by Council Member Pinckney to delete the requirement of a super majority two-thirds vote for any change in the Clerk of Council position status employment etcetera; simple majority vote for any matter not requiring super majority by state or federal law. The motion **passed** by majority vote of Council. Council Members Call, Schurlknight, Pinckney, and S. Davis and Chairman D. Davis voted in favor of this motion.

Chairman D. Davis: "Ok Mr. Call you still have the floor."

Council Member Call: "Yes. Under Section 3, Ordinances and Resolutions. In a general requirements, the deletion of the requirement that all matters have to go to the committee prior to the introduction to council. All matters go to the Chairman of Council where they are assigned who their proper committee for first reading...at first reading, excuse me. All matters go to Chairman where they are assigned to the proper committee at first reading."

Council Member Fish: "Mr. Chairman."

Chairman D. Davis: "Let's get a second before we have discussion."

Council Member Pinckney: "Second for the sake of discussion."

Chairman D. Davis: "Mr. Fish."

Council Member Fish: "Why do we continue in some of this Council...it's like we stated when people spoke earlier it was affirmed four years ago that we're a supervisor form of government. Everything y'all are doing tonight is administrative form of government. That's not how the constituents voted they want this government to be ran. I'm just amazed that people on council are trying to force us to go to administrative form of government."

Council Member Callanan: "Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "Yeah just so my understanding of this is that nothing... the one check of the Supervisor's authority is that everything has at this moment, has to start in the committee where it is chaired by members of council. Now nothing can be started unless it starts on the Supervisor's agenda and he approves it. What these....any Council Member who votes for this, is advocating the authority that they were elected to honor."

Chairman D. Davis: "Mr. Call would you explain the recommendation."

Council Member Call: "Yes Mr. Chairman I'd be glad to. For Mr. Callanan's benefit, he told me that we don't do business like we did in the last millennia. My prior service here didn't count. For his information, this is precisely how we did it for the previous eight years that I served on Council and it worked fine. The problem....there was no problem. Occasionally an item would start out in the wrong committee so it would come to Council for our first reading and then we would decide which was the proper committee for it to go to; just simply getting it in the right place in the first time."

Council Member Callanan: "Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "Under State Law it requires that the Supervisor exercise the policies dictated by the Council. Now, I think that this would probably violate State Law because it gives the Chairman, the Supervisor, the ability to block Council from being able to put any item that... any policy item on the agenda. So I don't think this is in the spirit of the State Law when they created the supervisor form of government. I cannot understand why any Council Member would seed his authority to another individual which is essentially what this does. And it becomes extremely dangerous when you move too much power into one individual. We have a council form of government where Council has the authority to set policy, advise and provide over site. This"

Council Member Call: "Mr. Chairman...."

Council Member Callanan: "Mr. Chairman."

Council Member Call: "....sorry."

Council Member Callanan: "...and so what this essentially does is that it eliminates nearly all of that authority."

Chairman D. Davis: "Mr. Call."

Council Member Call: "Mr. Chairman you know I hear these statements about threatening law suits and we're violating the law and this was not the intent of Home Rule. County Council operated like this for twenty years before they....I don't know how it got changed but they operated like this for twenty years and it changed after I left. I think Mr. Callanan is very, very confused about your role on this body. This clearly states Chairman of County Council and not the Supervisor. Your role in this room tonight is the Chairman of County Council not Berkeley County Supervisor."

Chairman D. Davis: "That's correct."

Council Member Fish: "Mr. Chairman."

Chairman D. Davis: "Mr. Fish."

Council Member Fish: "You know I have in my hand here, I think you'll have the same thing. I got the minutes verbatim from January 1997 Mr. Call. If it worked so great, why did they take such pains and to spell out in detail on there about the cost to the county, the number of meetings and the inaccuracy, the lack of information, and the problems they had. Why would they go to the trouble of changing that? You wax so greatly about the past maybe you need to go back there because it it's not working today."

Council Member Call: "Mr. Chairman if I may address that."

Chairman D. Davis: "Mr. Call."

Council Member Call: "I heard a statement here that....and I may be wrong and I apologize if I disrespect my good friend Milton, Mr. Farley's brother. The last year I was here we had one hundred and four meetings and if you come up here twenty times a month that's two-hundred and forty meetings. And we did not come up here two-hundred and forty times a year. I have and still have my mileage vouchers from back then if you care to see them and we did not make two-hundred and forty trips here in the last, in any of the years I was here, none. Now, that's as far as I need to go because it was going to be off the subject. I'm sorry."

Council Member Farley: "Mr. Chairman."

Chairman D. Davis: "Mr. Farley."

Council Member Farley: "Mr. Call I think that he said that he had come up here at least twenty times a month on different occasions. Not twelve months in a row twenty times."

Council Member Call: "Ok I can accept that. I do that also now, but not for official meetings. Nobody calls me here or makes an appointment for me here. I come up here on my own."

Chairman D. Davis: "Alright, any other comments? Hearing none. All those in favor in favor of the motion signify by saying Aye. (Ayes). All those opposed Nay (Nays). We have a five four vote."

Council Member Callanan: "No we don't."

Chairman D. Davis: "Could I see a show of hands then. All those in favor of the motion please signify by raising your hand (record shows Council Members Call, Pinckney and S. Davis raised their hand).

Council Member Fish: "Three."

Chairman D. Davis: "Ok. All those opposed please raise your hand (record shows Council Members Callanan, Fish, Schurlknight, Farley, and C. Davis raised their hand). Ok I missed it by one. The motion failed."

It was **moved** by Council Member Call and **seconded** by Council Member Pinckney to delete the requirement that all matters have to go to the Committee prior to the introduction to Council and that all matters go to Chairman where they are assigned to the proper committee at first reading. The motion **failed** by majority vote of Council. Council Members Callanan, Fish, Schurlknight, Farley and C. Davis voted Nay.

Chairman D. Davis: "Ok Mr. Call you have the floor still."

Council Member Call: "Ok, I'd like to...the next motion will be taken care of later. Yes we will do this. We'll amend the language to retain the current eight standing committees however, pursuant...to what I saw the language has been amended to reflect that each committee

is now made up of five members, the Chairman plus four members with the....I'm speaking from some notes here. Give me a second. Each Council Member will serve as the Chairman of one committee and each Council Member will serve on five committees. So we're changing, my motion is to keep eight committees of five members. Four members plus a Chairman and each Council Member will serve on five committees."

Chairman D. Davis: "Ok there's a motion. Is there a second?"

Council Member Schurlknight: "Second."

Chairman D. Davis: "Any discussion."

Council Member Callanan: "Yes. Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "So what I'm understanding here is currently every member of this Council serves on a committee with the absence of the committee....and the Chairman is not permitted to vote on the committees with the absence of the Chairman of the particular committee voting. It is one of those other items where the minority is protected. My first question is who determines the make-up of the committees?"

Chairman D. Davis: "There will be nominations if this passes. I assume there's no other way other than to have nominations by County Council."

Council Member Callanan: "So the majority will determine the make-up of the committees."

Chairman D. Davis: "That would be right."

Council Member Callanan: "So my guess is that on important committees the ones that do most of the business like Finance, Water & Sanitation and Procurement or Public Works and Purchasing. Those committees will be stuffed with four members of the, shall I say progressive side of the aisle and one member of the conservative side of the aisle..."

Council Member Schurlknight: "Mr. Chairman."

Council Member Callanan: "Mr. Chairman.... Mr. Chairman...."

Council Member Schurlknight: "Mr. Chairman."

Chairman D. Davis: "Mr. Schurlknight go ahead and let him finish this."

Council Member Schurlknight: "Go ahead."

Council Member Callanan: "...and then the committees that never meet like Human Services I would imagine that the conservatives will hold on overwhelming majority of those committees. So essentially"

Council Member Call: "Point of order."

Chairman D. Davis: "Mr. Callanan. Listen, we do have, we are guided by ethical and moral standards as a Councilman and for you to name call....I take..."

Council Member Callanan: "How did I call?"

Chairman D. Davis: "Because calling yourself conservatives and calling others progressive is name calling and you know that it is. It's veiled but it is so I would request that you refrain from doing that. I took offense to it, Mr. Schuriknight obviously took offense to it and you can grin all you want to. You think it's cute but Mr. Callanan that is name calling it is not appropriate for this body and I'm gonna insist if you're going to talk that you will refer to other members of Council as other Members of Council not Progressives, not Conservatives not Democrats or Republicans."

Council Member Callanan: "Calling somebody a Democrat or a Republican isn't calling them a name."

Chairman D. Davis: "I'm asking you to leave...."

Council Member Callanan: "Alright, I..."

Chairman D. Davis: "Mr. Callanan, Mr. Callanan....I'm gonna say it one more time."

Council Member Callanan: "Or?...Or?"

Chairman D. Davis: "You are not authorized to speak. You may not..."

Council Member Callanan: "No, I'm still recognized to speak. I have not given up the floor."

Chairman D. Davis: "I just took that from you."

Council Member Callanan: "You cannot take it from me without having a majority vote to cut off debate."

Chairman D. Davis: "Ok. Then let'sI'll entertain a motion that we cut off debate. Do I have a motion for that?"

Council Member Call: "So move."

Council Member S. Davis: "Second."

Chairman D. Davis: "All those in favor please say Aye. (Ayes). Please raise your right hand in favor...."

Council Member Callanan: "A super majority is required to cut off debate."

Chairman D. Davis: "Huh? Pardon me?"

Council Member Callanan: "A super majority is required to cut off debate."

Chairman D. Davis: "We are going to see if we get a super majority."

Council Member Callanan: "What?"

Chairman D. Davis: "All those in favor please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand)."

Council Member Callanan: "That's not a super majority."

Chairman D. Davis: "I didn't say it was but we had a motion to cut off debate."

Council Member Callanan: "And a motion to cut off debate requires a super majority."

Chairman D. Davis: "Correct. So it failed."

It was **moved** by Council Member Call and **seconded** by Council Member S. Davis to end debate. The motion **failed** by majority vote of Council. Council Members Call, Schurlknight, Pinckney and S. Davis voted in favor of the motion.

Council Member Callanan: "It failed. I got the floor."

Chairman D. Davis: "Keep on going.."

Council Member S. Davis: "Keep on going.."

Council Member Call: "Mr. Chairman point"

Council Member Callanan: "Mr. Chairman..."

Chairman D. Davis: "But Mr. Callanan I'm going to warn you one more time please do not use disparaging comments about other Members of Council."

Council Member Callanan: "If you can define disparaging comments or let me know if I have disparaging comments."

Unknown male in audience: (inaudible)

Council Member Callanan: "Mr. Chairman, perhaps you can ask Mr. Southard that he is out of order?"

Chairman D. Davis: "Mr. Callanan. Point of order."

Council Member Callanan: "Point of order."

Chairman D. Davis: "I'm going... Point of order."

Council Member Callanan: "...a member of the audience."

Chairman D. Davis: "and Mr. Callanan it's been going on all evening. When your folks are applauding you, you grin and you encourage it. When one person..."

Council Member Callanan: "I don't encourage it."

Chairman D. Davis: "That's one person that's said it. You can't have it both ways. Now I'm going to read what our rules are as far as the decorum in speaking. Every member when about to speak shall address Mr. or Madam Chairman and in speaking shall avoid disrespect to the Council and any personalities and shall confine discussion to the question under consideration. Now..."

Council Member Callanan: "And it is my opinion that I did not...that calling somebody a Republican or a Democrat is not an insult. I mean, this is absurd."

Chairman D. Davis: "Calling someone Progressive and calling someone..."

Council Member Callanan: "...or Conservative is not an insult."

Chairman D. Davis: "...Conservative. Your intention was an insult and I took it that way. So I'm just telling you I take it as an insult. I am a Conservative, I am a Republican and you do not sit in judgment of me or any other Member of Council."

Council Member Callanan: "Alright."

Chairman D. Davis: "Now continue comments please with decorum."

Council Member Callanan: "To make the point is that you will choose to put your particular members on the... stack that membership of the important Committees with votes that normally will vote in uniform. And then, I don't think do the Conservatives that I'm talking about...If I call them Conservatives are they insulted? No? Ok. So the Conservatives..."

Chairman D. Davis: "Mr. Callanan I asked you not to do that. Would you please..."

Council Member Callanan: "They don't consider it an insult."

Chairman D. Davis: "Just please refrain from any descriptions. Refer to them as other Members of Council if you would."

Council Member Callanan: "The other Members of Council will be put in a vast minority position on these important committees so that items that you want, that they want passed, can be steamrolled through the important committees. Why don't we just call it like it is? Now, this goes to the transparency issue and this is where I will bring up your misrepresentation of what the Berkeley County Republican Party stated. You stated that we wanted transparency. We stated something completely different. The only three items we asked for, and they were specific, was that meetings be filmed. That salaries over seventy-five thousand dollars be put online like Charleston County has and that the online check registry be searchable and include all expenditures, including Accommodations Tax expenditures. That is what we asked for. We didn't ask for to change the structure of government and I find it as....and I'll say this as a Chairman of the Republican Party in Berkeley County, I'm offended that you would misrepresent what we presented to you. Thank you."

Chairman D. Davis: "Thank you, any other comments? Ok. The motion was to reduce the number of members of each standing committee from eight to five; that includes with the five members including the Chairman and let's see... and that every Member of Council shall chair at least one committee and that every Member of Council shall serve on committees."

Council Member Schurlknight: "Mr. Chairman."

Chairman D. Davis: "Mr. Schurlknight."

Council Member Schurlknight: "Mr. Chairman...I'm sorry.."

Council Member Call: "If you don't mind I wanted... you made a misstatement Mr. Chairman."

Chairman D. Davis: "Go ahead Mr. Call."

Council Member Call: "Each Member of Council will serve on five committees...I believe you said each committee."

Chairman D. Davis: "Alright each Member of Council will serve on five committees."

Clerk of Council Ms. Austin: "Mr. Chairman."

Chairman D. Davis: "Mr. Schurlknight."

Council Member Schurlknight: "Just for clarification some people are giving these committees a lot more authority than what they really have. All it is, is a recommendation from committees to full Council. Full Council is going to vote the issue whether you have eight people

on the committee, five, or four. It doesn't make any difference. It's going to come to Council, full Council is going to make that decision."

Council Member Pinckney: "Exactly."

Council Member Schurlknight: "They are going to make it. The same with the budget last year, in my committee, it was voted to deny that budget. I reported it out of my committee as recommendations from my committee to deny the budget. The denial failed. It was turned around the motion was made to approve and it was passed. So those things coming out, these committees are no more...they operate basically like the Planning Commission with Mr. Southard. All it is is recommendations. We talk about it on this thing. You know committees of a whole to me; a committee is not of the whole body. It's a part of that body that reports back to the other parts of that body. We as colleagues talking tonight about having to come here six, seven times a night, I don't think so. I still think we're looking at the two nights and we can still get those things done on that." I don't see the big problem on that other than there's been some scare tactics thrown out there that we going to be able to do this and do that. We're not going to be able to do anything different than we normally have done in the past. Everything goes to Council for final approval. We don't make any kind of laws in the committee level. I just want to try and clarify that. Thank you."

Chairman D. Davis: "Any other comments?"

Council Member Call: "Mr. Chairman just to wrap it up. What I've tried to accomplish here is a three part. I made it in three motions. Model Rules first, the revisions that we have just approved second, and then the Robert's Rules of Order...I think it's a revision ten, will cover anything that those two don't cover."

Chairman D. Davis: "Ok. Then we have a motion and a second on the structure of the committees."

Council Member Callanan: "I have no idea what he just said. That made no sense to me. I don't want to vote for it."

Chairman D. Davis: "Mr. Callanan, do you want to make a comment?"

Council Member Callanan: "Yeah, I want a further discussion because I have no idea what he just said and I don't want this to go to a vote until we have a clarification."

Chairman D. Davis: "Well his comments don't affect the motion that's on the table."

Council Member Callanan: "Alright. Just ignore him. Ok."

Chairman D. Davis: "We have a motion and a second. All those in favor please raise your right hand. (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). All those opposed please raise your right hand (record shows Council Members Callanan, Fish, Farley, and C. Davis raised their hand)."

Chairman D. Davis: "Ms. Davis did you vote? Oh I'm sorry."

Council Member Fish & Schurlknight: (side comment)

Chairman D. Davis: "It's a tie vote. I vote in the affirmative."

It was **moved** by Council Member Call and **seconded** by Council Member Schurlknight that Berkeley County Council adopt to keep eight committees of five members. Four members plus a Chairman and each Council Member will serve on five committees. The motion **passed** by majority vote of Council. Council Members Callanan, Fish, Farley and C. Davis voted Nay.

Chairman D. Davis: "Bob, Mr. Call does that conclude your..."

Council Member Call: "Mr. Chairman that concludes my motion, yes."

ELECTION of the Vice-Chairman of County Council.

Chairman D. Davis: "Thank you. The next item of business is the election of Vice-Chairman of County Council."

Council Member Pinckney: "Mr. Chairman..."

Council Member Callanan: "I make a motion...Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "I make a motion, Dennis Fish as Vice Chairman of Council."

Chairman D. Davis: "Ok, any other nominations? "

Council Member Pinckney: "Yes, Mr. Chairman..."

Chairman D. Davis: "Well first I need a second. Do I need a second on this? "

Council Member C. Davis: "Second."

Council Member Schurlknight: "You got second on it."

Council Member Pinckney: "Mr. Chairman."

Chairman D. Davis: "Mr. Pinckney."

Council Member Pinckney: "I make a motion for Councilman Steve Davis as Vice-Chairman."

Chairman D. Davis: "Ok, is there a second."

Council Member Call: "Second."

Chairman D. Davis: "Motion and a second, any other nominations?"

Council Member Farley: "Yes sir Mr. Chairman. I'd like to nominate Jack Schurlknight as Vice-Chairman."

Council Member Fish: "Second."

Chairman D. Davis: "Motion and second Mr. Schurlknight."

Council Member Schurlknight: "Mr. Chairman."

Chairman D. Davis: "Mr. Schurlknight."

Council Member Schurlknight: "I sure appreciate that nomination but I really don't have time to accept that but I do appreciate that. Thank you. I'll have to decline."

Chairman D. Davis: "Ok, any others? Ok, all those in favor of Councilman Fish as Vice-Chairman please raise your right hand (record shows that Council Members C. Davis, Callanan, Fish, and Farley raised their hand). All those opposed (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). And I'll vote against the nomination."

Chairman D. Davis: "All those in favor of Councilman Davis to serve as Vice-Chairman please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). That's four. All those opposed to Steve Davis as Vice-Chairman please raise your right hand (record shows Council Members Callanan, Fish, Farley, and C. Davis raised their hand). Ok, and I'll cast my vote in favor of Steve Davis."

Council Member Fish: "What about Schurlknight? Mr. Chairman you got a nomination for Mr. Schurlknight on the table to you need to vote on."

Council Member Schurlknight: "I declined."

Chairman D. Davis: "He declined."

Council Member Fish: "He doesn't have a choice to decline here. If he gets elected."

Chairman D. Davis: "He did not get a second. He declined. He did not get a second."

Council Member Fish: "He got a second."

Chairman D. Davis: "I did not hear it."

Council Member Fish: "I seconded it."

Chairman D. Davis: "Oh, well I didn't hear it. I thought he declined it before you seconded it."

Council Member Fish: "No sir. No sir."

Chairman D. Davis: "Ok then.."

Council Member Fish: "I think this election is invalid sir. I think you need to go back and take election of the three candidates and take a vote for one of the three, not individually but as one of the three."

Council Member Call: "Mr. Chairman I think Mr. Schurlknight could be allowed to withdraw his name from nomination."

Council Member S. Davis: "He definitely could."

Chairman D. Davis: "He did and I accepted that."

Council Member Schurlknight: "Yeah I...yeah."

It was moved by Council Member Pinckney and seconded by Council Member Call to nominate Councilman Steve Davis to serve **Vice Chairman of Berkeley County Council.** Motion **passed** by majority vote of Council. Council Members Callanan, Fish, Farley and C. Davis voted Nay.

ELECTION of Chairmen of Standing Committees of County Council.

Chairman D. Davis: "Ok we have now the election of Chairman of Standing Committees of County Council. Do I have any recommendations?"

Council Member Farley: "For Public Works and Purchasing I'd like to nominate Cathy Davis."

Council Member Callanan: "For Finance I would like to nominate Mr. Dennis Fish."

Council Member C. Davis: "For Water and Sanitation, Tim Callanan."

Chairman D. Davis: "Whoa we are going to have to slow down just a little bit. Somehow or another we are going to have to Are you going to have? Each one of you, are you going to have more than one nomination for different committees?"

Council Member Callanan and Fish: "No."

Chairman D. Davis: "We're going to have to have some way to keep these straight unless Madam Clerk...Can y'all record these? Would you please...."

County Attorney Ms. Ewing: "This is just a suggestion but what you might want to do is just do it by committees."

Chairman D. Davis: "By committee."

County Attorney Ms. Ewing: "You know get all the nominations for Finance, get all the nominations..."

Chairman D. Davis: "I think that would..."

County Attorney Ms. Ewing: "...unless someone has a slate that they want to propose like we've done in the past."

Chairman D. Davis: "Will you keep track of which committee....start with the top one. So we'll start with Finance. Do we have any nominations? I know we have one for Mr. Fish for finance."

Council Member S. Davis: "And I nominate Mr. Schurlknight for Finance please. And while I'm in that process I've got the floor. I'll nominate Mr. Farley for Chairman of Land Use."

Chairman D. Davis: "Mr. Davis we are going to take each committee one at a time."

Council Member S. Davis: "Ok. I'm sorry. And also I nominate Bob Call to serve on Finance, this five member committee. I nominate Cathy Davis to serve. I nominate Dennis Fish to serve and I nominate myself to serve on...if I can do that, I don't know."

Chairman D. Davis: "Mr. Davis let's take the Chairman first if we could."

Council Member S. Davis: "Chairman Schurlknight."

Chairman D. Davis: "Ok we have a motion and a second for Mr. Fish. We have a motion and a second for Mr. Schurlknight."

Clerk of Council Ms. Austin: "I didn't get a second for Mr. Schurlknight."

Chairman D. Davis: "Ok do I have a second on Mr. Schurlknight?"

Council Member Call: "I'll second."

Chairman D. Davis: "Ok motion and second. All those in favor of Dennis Fish as Chairman of Finance please raise your right hand (record shows Council Members Callanan, Fish, Farley, and C. Davis raised their hand). Ok, all those opposed please raise your right hand

(record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand).
Ok and I'll vote in the negative.

It was **moved** by Council Member Callanan and **seconded** by Council Member C. Davis that Berkeley County Council nominate Council Member Fish to be elected Chairman of Finance. The motion **failed** by majority vote of Council. Council Members Call, Schurlknight, Pinckney, and S. Davis voted Nay.

Chairman D. Davis: "Ok, now all those in favor of Jack Schurlknight as Chairman please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). All those opposed to Jack Schurlknight please raise your right hand (record shows Council Members Callanan, Fish, Farley, and C. Davis raised their hand). That motion is approved. (D. Davis voted in the positive for Shurlknight.)"

Chairman D. Davis: "Madam clerk what would be the next committee?"

Clerk of Council Ms. Austin: "Land Use Committee."

Chairman D. Davis: "Ok, do we have any nominations for Land Use?"

Council Member S. Davis: "I nominate Mr. Farley Chairman of Land Use."

Council Member Farley: "I'd like to nominate Mr. Davis to Chairman of Land Use."

Council Member S. Davis: "Which Davis are you talking about?"

Council Member Farley: "Steve Davis."

Council Member S. Davis: "I withdraw. I don't want to be on Land Use."

Chairman D. Davis: "He's already been elected Vice-Chairman."

Council Member S. Davis: "I can't be on there but thank you very much."

Council Member Callanan: "He still needs a committee."

Council Member S. Davis: "Thank you very much..."

Council Member Call: "Yeah he still needs a committee but he got..."

Council Member S. Davis: (side comment)

Chairman D. Davis: "Ok nomination of Mr. Farley; did we get a second?"

Council Member C. Davis: "Second."

Chairman D. Davis: "Ok, any other nominations? All those in favor of Mr. Farley please signify by saying Aye (Ayes) All those opposed Nay (no answer). Mr. Farley is elected. Next committee is...."

It was **moved** by Council Member S. Davis and **seconded** by Council Member C. Davis that Berkeley County Council approve Council Member Farley to be elected Chairman of the Land Use Committee. The motion **passed** by majority voice vote of Council.

Council Member S. Davis: "I move that Chairman of Planning and Development be Ms. Cathy Davis."

Chairman D. Davis: "Mr. Davis we are going to take them....let Madam Clerk..."

Council Member S. Davis: "I'm sorry Ms. Austin."

Chairman D. Davis: "Public Works and Purchasing."

Council Member S. Davis: "I nominate Mr. Pinckney, Caldwell Pinckney to be Chairman please."

Chairman D. Davis: "Is there a second?"

Council Member Call: "Second."

Chairman D. Davis: "Are there any other nominations?"

Council Member Farley: "I'd like to nominate Cathy Davis to be Public Works Chairman, and Purchasing."

Chairman D. Davis: "Ok, is there a second? (No answer) Not having a second, all those in favor of Caldwell Pinckney please signify by saying Aye."

Council Member Callanan: "I seconded it."

Chairman D. Davis: "She didn't get it. I didn't hear a second."

Council Member Callanan: "This was for?"

Chairman D. Davis: "Public Works and Purchasing."

Council Member Callanan: "Second."

Chairman D. Davis: "Are there any other nominations? Ok. All those in favor of Caldwell Pinckney please signify by saying Aye (Ayes). All those opposed Nay (Nays). How many Nays? All those in favor please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). All those opposed like sign (record

shows Council Members Callanan, Farley, and C. Davis raised their hand). Ok the motion carries. Caldwell Pinckney is appointed.”

It was **moved** by Council Member S. Davis and **seconded** by Council Member Call that Berkeley County Council approve Council Member Pinckney to be elected Chairman of the Public Works and Purchasing Committee. The motion **passed** by majority vote of Council. Council Members Callanan, Farley and C. Davis voted Nay.

Chairman D. Davis: “Next one Ms....”

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: “Justice and Public Safety. Do I have any nominations?”

Council Member Call: “Mr. Chairman I got a little bit of a distraction over here I can’t keep quite pay attention to what you’re saying.”

Unknown female standing in the front (escorted out).

Council Member Callanan: “What is going on here....whoa, whoa, whoa.”

Chairman D. Davis: “Ok we were at Justice and Public Safety. Did we have a nomination?...I’m sorry.”

Council Member Call: “Mr. Chairman I nominate Mr. Steve Davis.”

Council Member Schurlknight & Pinckney: “Second.”

Chairman D. Davis: “Does the Vice... Just in previous years we’ve not had the Vice-Chairman...We’re going to do that too?”

Council Member Call: “Yeah, he’s got to have a committee.”

Chairman D. Davis: “Ok, alright. We have Steve Davis is there a second?”

Council Member Schurlknight: “Yeah. Second.”

Chairman D. Davis: “Ok, are there any other nominations?”

Council Member Farley: “I’d like to nominate Dennis Fish.”

Council Member Callanan: “Second.”

Chairman D. Davis: “Ok, any others. All those in favor of Steve Davis please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney, and S. Davis raised

their right hand). All those opposed like sign (record shows Council Members Callanan, Farley, and C. Davis raised their hand). Mr. Davis is elected.”

Chairman D. Davis: “Did you vote?”

Council Member Fish: “It doesn’t make any difference whether or not now.”

Chairman D. Davis: “Alright, Mr. Davis is elected.”

Council Member S. Davis: “Thank you Dennis.”

It was **moved** by Council Member Call and **seconded** by Council Member Schurlknight that Berkeley County Council approve Council Member S. Davis to be elected Chairman of the Justice and Public Safety Committee. The motion **passed** by majority vote of Council. Council Members Callanan, Farley, and C. Davis voted Nay.

Chairman D. Davis: “Madam Clerk, the next one?”

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: “Community on Human Services.”

Council Member S. Davis: “I nominate Dennis Fish for Chairman of Human Services.”

Council Member Call: “Second.”

Chairman D. Davis: “Motion and Second. Are there any other nominations?”

Council Member Farley: “I’d like to nominate Caldwell Pinckney as Chairman of the Community Services.”

Council Member Callanan: “Second.”

Council Member Pinckney: “I’m already Chairman of a Committee.”

Council Member Farley: “Ok, I withdraw that.”

Council Member Pinckney: “Thank you sir.”

Chairman D. Davis: “Any others? All those in favor of Dennis Fish please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney, and S. Davis raised their right hand).

Council Member C. Davis: “Wait a minute. What committee?”

Chairman D. Davis: “This is Chairman of Human Services Mr. Fish.”

Council Member Call and Pinckney: "Human Services."

Council Member Call: "Is that what you want?"

Council Member Fish: (inaudible)

Chairman D. Davis: "All those in favor please raise your right hand or one hand (record shows Council Members Call, Schurlknight, Pinckney, and S. Davis raised their right hand).

Council Member Schurlknight: "Good hand."

Chairman D. Davis: "All those opposed (record shows Council Members Callanan, Farley, and C. Davis raised their hand). Motion carries."

It was **moved** by Council Member S. Davis and **seconded** by Council Member Call that Berkeley County Council approve Council Member Fish to be elected Chairman of the Human Services Committee. The motion **passed** by majority vote of Council. Council Members Callanan, Farley, and C. Davis voted Nay.

Chairman D. Davis: "The next one Ms..."

Clerk of Council Ms. Austin: "Water and Sanitation."

Chairman D. Davis: "Water and Sanitation."

Council Member S. Davis: "I nominate Council person Bob Call, Chairman of Water and Sanitation."

Chairman D. Davis: "We have a motion, is there a second?"

Council Member Pinckney: "Second."

Chairman D. Davis: "Are there any other nominations?"

Council Member C. Davis: "Yes."

Council Member Farley: "I'd like to nominate Tim Callanan."

Council Member Fish: "Second."

Chairman D. Davis: "Motion and a second for Mr. Callanan, any others? Ok. All those in favor of Bob Call as Chairman of Water and Sanitation please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). All those opposed (record shows Council Members Callanan, Farley, Fish and C. Davis raised their hand). Ok it's a tie vote and I'll vote in the affirmative. That will elect Bob to... Mr. Call to Water and Sanitation. The next one, Planning and Development. Are there nominations?"

It was **moved** by Council Member S. Davis and **seconded** by Council Member Pinckney that Berkeley County Council approve Council Member Call to be elected Chairman of the Water and Sanitation Committee. The motion **passed** by majority vote of Council. Council Members Callanan, Farley, Fish and C. Davis voted Nay.

Council Member S. Davis: "I nominate Cathy Davis as Chairman of Planning and Development."

Council Member Schurlknight: "Second."

Chairman D. Davis: "Motion and second, any other nominations? All those in favor of Cathy Davis of Planning and Development please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). All those opposed (record shows Council Members Callanan, Farley, and C. Davis raised their hand). Councilman Davis is appointed."

It was **moved** by Council Member S. Davis and **seconded** by Council Member Schurlknight that Berkeley County Council approve Council Member C. Davis to be elected Chairman of the Planning and Development Committee. The motion **passed** by majority vote of Council. Council Members Callanan, Farley, and C. Davis voted Nay.

Chairman D. Davis: "Community Services?"

Council Member S. Davis: "I nominate Tim Callanan."

Council Member Call: "Second."

Chairman D. Davis: "Motion and second, any other nominations? Hearing none..."

County Attorney Ms. Ewing: (Inaudible)

Chairman D. Davis: "Pardon me?"

County Attorney Ms. Ewing: "All the other committees..."

Council Member Schurlknight: "Everybody else is full."

Chairman D. Davis: "Oh ok. So that's by default then, ok. Well just for the record. All those in favor say Aye (Ayes) or raise your right hand...ok. He is appointed."

It was **moved** by Council Member S. Davis and **seconded** by Council Member Call that Berkeley County Council approve Council Member Callanan to be elected Chairman of the Community Services Committee. The motion **passed** by majority voice vote of Council.

Chairman D. Davis: "Ok the next item of business is the election of representatives from County Council ..."

Council Member S. Davis: "I've got a point of order Mr. Chairman. We have the Chairmen of these respective committees but we haven't addressed the respective individuals who will serve as the other four members and at this time with the Chairman having been identified I would like to put in record a slate of candidates to work on each one of the particular committees if I may."

Chairman D. Davis: "Go right ahead."

Council Member S. Davis: "First on Finance I nominate Bob Call, Cathy Davis, myself, and Mr. Fish, Dennis Fish that is."

Council Member Fish: "Mr. Chairman I decline. I refuse to sit on that committee."

Council Member S. Davis: "With that having been said there will be a replacement and put Mr. Tim Callanan."

Council Member Callanan: "I decline that position thank you."

Council Member S. Davis: "Thank you. Well I put my good friend Mr. Caldwell Pinckney to serve on Finance. As it pertains to Land Use, I make a motion that Mr. Callanan, Mr. Schurlknight, myself, and Mr. Pinckney."

Council Member Callanan: "I decline that position."

Council Member S. Davis: "Ok, replace Mr. Callanan with Cathy Davis. Planning and Development, Chairman is Cathy Davis, Tim Callanan, Mr. Farley, Mr. Fish and Mr. Davis. Public Works and Purchasing, Mr. Schurlknight, Mr. Farley, Mr. Call and Mr. Fish. Water and Sanitation, Mr. Schurlknight, Mr. Farley, Mr. Call and Mr. Fish (repeat). Water and Sanitation, Mr. Schurlknight, Mr. Farley, Cathy Davis and myself. Human Services, Mr. Callanan, Mr. Pinckney, Mr. Schurlknight, and Ms. Cathy Davis. Community Service, Mr. Pinckney, Mr. Fish, Bob Call, and Cathy Davis. In reference to Justice and Public Safety, Mr. Callanan, Mr. Fish, Mr. Call, and Mr. Farley. That would conclude the slate I'll entertain a second Mr. Chairman."

Chairman D. Davis: "Do I have a second?"

Council Member Schurlknight: "Second."

Chairman D. Davis: "Ok, any other nominations? Hearing none all those in favor please signify by saying Aye (Ayes). All those opposed Nay (Nays). We'll have a hand vote then. All those favor signify by raising their right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). All those opposed like sign (record shows Council Members Callanan, Farley, Fish and C. Davis raised their hand) and I'll vote in the affirmative to appoint these committees."

It was **moved** by Council Member S. Davis and **seconded** by Council Member Schurlknight that Berkeley County Council approve the slate of candidates to serve on each one of the particular committees as given to Council by Mr. Steve Davis. The motion **passed** by majority vote of Council. Council Members Callanan, Farley, Fish and C. Davis voted Nay.

ELECTION of Representative from Council on Berkeley-Charleston-Dorchester Council of Government

Chairman D. Davis: "Ok the next order of business is the Representative from Council on the BCD Council of Governments. Do I have a nomination?"

Council Member Pinckney: "Yes Mr. Chairman."

Chairman D. Davis: "Mr. Pinckney."

Council Member Pinckney: "I would nominate Mr. Bob Call."

Council Member S. Davis: "I second that nomination."

Chairman D. Davis: "Motion and second, any other nominations?"

Council Member Fish: "Nominate Mr. Callanan."

Chairman D. Davis: "Ok, Mr. Callanan. Is there a second?"

Council Member Farley: "Second."

Chairman D. Davis: "Ok we'll call for the vote on Mr. Call first. All those in favor of Mr. Call as a Representative to the Berkeley-Charleston-Dorchester..."

Council Member Callanan: "Point of order."

Chairman D. Davis: "Yes Sir Mr. Callanan."

Council Member Callanan: "How many Representatives are there on there? My understanding, there are four Representatives for the Council of Governments?"

Chairman D. Davis: "I think there are."

Council Member Callanan: "Why are we only nominating two?"

Chairman D. Davis: "I think that's all whose terms are expired at this time."

Chairman D. Davis: "Madam, would you clarify?"

Clerk of Council Ms. Austin: (inaudible)

Council Member Callanan: "No that's CHATS...Well then all terms would expire correct?"

Clerk of Council Ms. Austin: (inaudible)

Council Member Callanan: "So we need all four? Thank you."

Chairman D. Davis: "Who are the present members that are appointed?"

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: "Right."

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: "And so all four need to be reappointed?"

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: "Ok, then we have Mr. Callanan, Mr. Call right now. Do we have any other nominations?"

Council Member Call: "Mr. Chairman I'd like to put Mr. Pinckney's name in nomination for COG."

Council Member S. Davis: "I second that motion."

Chairman D. Davis: "I have a motion and second for Mr. Pinckney, any others?"

Council Member Schurlknight: "Mr. Steve Davis."

Chairman D. Davis: "We have a motion for Mr. Steve Davis. Is there a second?"

Council Member Pinckney: "Second."

Council Member Callanan: "Mr. Chairman."

Chairman D. Davis: "Mr. Callanan."

Council Member Callanan: "Mr. Davis has been on there for two years and hasn't attended one meeting. Does he have any intention or desire to be on that committee?"

Council Member S. Davis: "Yes I do. I get all the minutes. I'm kept apprised of everything that transpired. When there are instances that really dictate the need of my presence,

I'll be forth coming. Now, I didn't know you've been keeping record Mr. Callanan but thank you. Yes I do want to serve. There's no requirement to kick you off that I'm aware of."

Council Member Callanan: "Excuse me?"

Council Member S. Davis: "There's no requirement for absenteeism that requires me not to be reappointed. I'm very concerned."

Council Member Callanan: "I did not say there was I was just asking a question whether you had interest in it."

Council Member S. Davis: "And let me finish. I got the floor. Let me finish please sir. And I would think more so now as Vice-Chairman of this Council that I need to be more actively involved; and so I thank you and I can assure this Council that Mr. Davis will re-double his efforts. You know I'm one of those..."

Council Member Callanan: "He doubled zero with zero."

Council Member S. Davis: "Well let me tell you. I'm one of those entrepreneurs you talk about, the small business people..."

Chairman D. Davis: "Please gentlemen."

Council Member S. Davis: "...that we talk about every time in America. I'm one of those small business individuals. Ok. So sometimes I don't have the luxuries from the Wall Street group that deals in finance. So it's somewhat different. But the bottom line is this; I plan to actively engage myself with this appointment. Thank you Mr. Callanan."

Chairman D. Davis: "Thank you Mr. Davis. Are there any other nominations?"

Council Member Schurlknight: "Mr. Farley, Mr. Phillip Farley."

Chairman D. Davis: "Madam Clerk I need a clarification I am currently on the Council of Governments, is my position a different one than these four?"

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: "One of the four?"

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: "Ok."

Council Member S. Davis: "I nominate Mr. Dan Davis for the COG please."

Council Member Call: "I'll second that."

Council Member Pinckney: "Second, already second?"

Chairman D. Davis: "Ok, any other nominations? I think we got everybody nominated at this point."

Council Member Call: "Mr. Chairman."

Chairman D. Davis: "Mr. Call."

Council Member Call: "Again I think I asked this question last month. Your position is a designated position. Is that not correct?"

Chairman D. Davis: "I'm not certain of that. I think it always has been but I don't think it is designated."

Council Member Call: "Or do you have like an Executive Committee designated position on COG?"

Chairman D. Davis: "I am. I serve on the Executive Committee."

Council Member Call: "But you don't know if your designated as the Berkeley County Supervisor as a position on COG automatically?"

Chairman D. Davis: "I do not."

Council Member Call: "Ok. Thank you. Then I'll leave my nomination in there."

Council Member Pinckney: "Mr. Chairman just some input in regards to that. If my memory serves me correctly and here again it was mentioned about minority this and minority that but we all need protection but when it comes to the COG Board there was a requirement that came down and unfortunately, I say this unfortunately, this is how Mr. Steve Davis and myself got on the COG Board. Otherwise, we would have not been on there. So it's a requirement that we have a minority, two minorities on the COG Board. Thank you."

Council Member Callanan: "For a point of clarification with the County Attorney, legal opinion?"

County Attorney Ms. Ewing: "I would have to research that and get back to you. I don't have the answer to that off the top of my head. I think that would be a COG. We'd have to research COG documents that I don't have in my office."

Council Member Pinckney: "Once again, I'm the oldest Council Member on the Council and that's what came to us when Steve and I was appointed."

Chairman D. Davis: "There may in fact be something. I think at this time I'd like to put off this nomination until we have clarification on those issues. I'd hate to do something that we'd

have to come back and re-do so every member is appointed until it's changed so I'm going to delay action on this until the next meeting and we have a chance to research that."

Council Member Call: "Mr. Chairman. I would respectfully request that you proceed with this and if needs to be changed we come back and address it later on."

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: "Yes Mam."

Clerk of Council Ms. Austin: "Mr. Pinckney was correct."

Chairman D. Davis: "Yeah I do recall something..."

Council Member Callanan: "Is it State Law?"

Clerk of Council Ms. Austin: "I don't know that it's State Law but this is the conversation I've had repeatedly with COG each year."

Chairman D. Davis: "Mr. Call if you would let's please delay this until next month and get a complete clarification so that we have it correct."

County Attorney Ms. Ewing: "Mr. Chairman I'd be happy to call Mr. Mitchum tomorrow and find out and get the documents that I need to review and email the entirety of Council and let them know what the outcome of that conversation is and then of course we have a Council Meeting at the end of the month that we could address the nominations. If that meets with Council's pleasure?"

Chairman D. Davis: "Alright."

Council Member Call: "Mr. Chairman. I will reluctantly defer to your decision on that matter."

ELECTION of Representative from Council on the Charleston Area Transportation Study (CHATS) Policy Committee.

Chairman D. Davis: "Alright, thank you Mr. Call. And before we do the CHATS appointment is there anything with regards to CHATS like the COG appointments that we need to know about that you're aware of?"

Clerk of Council Ms. Austin: "Only that they are done annually and you will be receiving a letter to sign and determine that these appointments are true and valid."

Chairman D. Davis: "Ok. And we have two appointments for CHATS this evening?"

Clerk of Council Ms. Austin: (inaudible)

Chairman D. Davis: "Ok Am I automatically on there?"

Clerk of Council Ms. Austin: "You serve because of your position."

Chairman D. Davis: "Ok so we just need one nomination?"

Council Member Schurlknight: "Mr. Chairman."

Chairman D. Davis: "Mr. Schurlknight."

Council Member Schurlknight: "I nominate Bob Call for that position please."

Council Member Pinckney: "I second that."

Chairman D. Davis: "Motion and a second for Bob Call. Do we have any other nominations?"

Council Member Fish: "Mr. Chairman I make a motion to....for Tim Callanan."

Chairman D. Davis: "Do we have a second?"

Council Member C. Davis: "Second."

Chairman D. Davis: "Motion seconded for Mr. Callanan. Any other nominations? Hearing none. All those in favor of Bob Call please raise your right hand (record shows Council Members Call, Schurlknight, Pinckney and S. Davis raised their hand). All those opposed please raise your right hand (record shows Council Members Callanan, Farley, Fish and C. Davis raised their hand) and I'll cast my vote for Bob Call for CHATS.

It was **moved** by Council Member Schurlknight and **seconded** by Council Member Pinckney to appoint Council Member Call to serve on the Charleston Area Transportation Study (CHATS) Policy Committee. The motion **passed** by majority vote of Council. No vote was taken on Council Member Callanan's nomination.

Chairman D. Davis: "Ok that finishes everything that we had for this evening at this time I'll entertain a motion for adjournment."

Council Member Schurlknight: "So move."

Council Member Fish: "Second."

Chairman D. Davis: "Motion and second. All those in favor say Aye (Ayes). All those opposed Nay (no answer). We stand adjourned.

ADJOURNMENT

It was moved by Council Member Schurlknight and seconded by Council Member Fish to adjourn the Special Meeting of Council. The motion passed by unanimous voice vote of Council.

The meeting adjourned at 7:53 p.m.

PUBLIC DISCUSSION

Public Discussion commenced at 7:55 p.m.

Chairman D. Davis: "We'll begin our session for Public Comments if everybody would either take a seat or if you want to talk please go out the back door. Would everyone please take a seat or move to the outside in the hallway."

(Several audience members talking at once)

Chairman D. Davis: "At this time we'll again the rules are basically the same. You have three minutes to address council and please state your name and address for the record when you do."

Ms. Nancy Corbin: "Nancy Corbin, 921 Apple Core Ln, Ridgeville. I was really pleased tonight when I saw that the public discussion was gonna be before you adjourned but obviously that's not the way you treat public in this forum. But I wanted to say to Mr. Pinckney and to Mr. Steve Davis. I appreciate the fact that you are Democrats, you ran as Democrats and you represent the Democratic Party but..."

Council Member S. Davis: "Mam, I am going to stop you right there if you recall I don't represent the Democratic Party."

Ms. Nancy Corbin: "Well you ran as a Democrat."

Council Member S. Davis: "I represent the citizens of Berkeley County."

Council Member Callanan: "This is the public participation period."

Ms. Nancy Corbin: "My turn. I can't talk when you're talking. Quiet and let me speak."

Council Member Callanan: "Point of order. Point of order."

Council Member S. Davis: "...directly to me."

Chairman D. Davis: "Mr. Davis."

Ms. Nancy Corbin: "No Sir I am saying."

Council Member Callanan: "Point of order."

Chairman D. Davis: "First of all Ms. Corbin as we talked about during the meeting you need to observe the same rules. Do not, do not talk about an individual you are to address Council on issues...."

Ms. Nancy Corbin: "No Sir."

Chairman D. Davis: "Do not..."

Ms. Nancy Corbin: "No Sir. I have freedom of speech. You show me where the rules apply to the public."

Chairman D. Davis: "Listen I'm gonna finish speaking and say I'm running this meeting..."

Ms. Nancy Corbin: "Obviously."

Chairman D. Davis: "You have freedom of speech but I am Chairman of this meeting and there are rules. First of all, the purpose of this is to address Council on issues, on policies, of actions of Council. It is not intended for you to be able to address any member, talk about them..."

Ms. Nancy Corbin: "I'll be addressing all of you."

Chairman D. Davis: "...and talk about them individually. If you do I'm gonna cut off your conversation. This is to address all of Council about Council matters."

Ms. Nancy Corbin: "Alright I'll address all of Council about Council matters. Council runs in primaries that are sponsored by either the Democrat or the Republican Party. All of you do that; the whole Council. Some of you ran as Democrats. Some of you ran as Republicans and some of you perpetrated a fraud on the Republicans in this county by running as Republicans. The three of you know who you are; I guess I'm not allowed to say who you are. But by the votes tonight and your actions tonight it was obvious and you don't have to cut me off because that's all I got to say."

Chairman D. Davis: "Thank you. Yes mam? Would you state your name and address?"

Ms. Deanna Trout: "Deanna Trout, 1108 Quinby Court, Moncks Corner. I wish to apologize to the citizens of Berkeley County I certainly endorsed the wrong person for my Council and I apologize to the citizens in my district. I made a very, very, bad mistake and to Ms. Ewing at what point now do we the people have a chance of a recall or to impeach a certain person in our government who seems to think he is our dictator? We do not live in Romania yet. Thank you."

Chairman D. Davis: "Yes Sir."

Mr. Thomas Cannistra: "My name is Thomas Cannistra. I live at 105 Trenholm Drive in Summerville, South Carolina. Four years ago we the people of Berkeley County voted no for you to change our form of government from Administrative...from Supervisory to Administrative. Tonight you have abused that power of the people centralize it with you and the liberals that have joined you. Your actions tonight shame our County and show that Council has no regards for the voting of the citizens of this County. Tonight you have taken a Conservative County as was mentioned earlier; sixty-seven percent voted Conservative and you have pushed the Liberals and the Liberal agenda on to the rest of us and we do not appreciate it."

Chairman D. Davis: "Yes Sir."

Mr. Barry Ricards: "Good evening."

Chairman D. Davis: "Your name and address please."

Mr. Barry Ricards: "I'm sorry. My name is Barry Ricards. I live at 105 Ashley Hill Drive, Goose Creek. Mr. Chairman, Members of Council, I became a US Citizen about twenty years ago. Emigrated from Australia and I've attended many Council Meetings on the west coast. This is the first I've attended in South Carolina and this was completely dysfunctional. Ok. If you govern this way you deserve what you get. That's all I'm going to say."

Chairman D. Davis: "Yes Mam."

Ms. Joan Peters: "Chairman my name is Joan Peters I live at 840 Coral Acres Dr. in Moncks Corner and I just want to say shame on you, shame on you, you have high jacked and railroaded our county government from the top down and do not think that the people in this room and the ones that left in disgust are gonna let you get away with it. We are gonna take our county back."

Chairman D. Davis: "Thank you. Ok, thank you all our next meeting....pardon me?"

Unknown male in audience (inaudible)

Chairman D. Davis: "Thank you all goodnight....Oh Eddie? Go ahead."

Mr. Edward Southard: "I guess I'm the only one, excuse me don't interrupt me...I thought we had a Supervisor Council form of government...."

Unknown male in audience (inaudible)

Chairman D. Davis: "...please."

Mr. Edward Southard: "And I thought the law stated that the supervisor voted in case of a tie and I also, it seems to me. I felt like this was a horse and pony show too. And it's obvious you got a four, four on everything that you do. So what I would try to do if I was four with y'all is I would try to persuade one other person to come over to my side like Mr. Schurlknight did on one

of the votes. So that would kind of solve that and you wouldn't have the tie on every vote. But I think the Supervisor is charged with casting a vote in case of a tie so he's fulfilling his parliamentary authorization by the State."

Chairman D. Davis: "Thank you."

Male in audience (inaudible)

Chairman D. Davis: "Yeah please state your name and address."

Mr. Edward Southard: "Eddie Southard, 1511 Dennis Boulevard, Moncks Corner."

Chairman D. Davis: "Alright, thank you. Goodnight."

Mr. Edward Southard: "Hold on. I think they still..."

Council Member Callanan: "Yeah you were done."

Mr. Edward Southard: "...still goes back to the previous two elections too. I think a lot of it goes back to the previous two Supervisor elections so I think that's where a lot of it stems from."

(Several audience members talking at once)

Public Discussion concluded at 8:05 p.m.

S/Barbara B. Austin, CCC
Clerk of County Council

February 28, 2011
Date Approved